

TRANSCRIPT OF PROCEEDINGS

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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In the Matter of:	:	CC Docket
Petition of WorldCom, Inc., Pursuant	:	No. 00-218
to Section 252 (e) (5) of the	:	
Communications Act for Expedited	:	
Preemption of the Jurisdiction of the	:	
Virginia State Corporation Commission	:	
Regarding Interconnection Disputes	:	
with Verizon Virginia, Inc., and for	:	
Expedited Arbitration	:	
	:	
In the Matter of:	:	CC Docket
Petition of Cox Virginia Telecom, Inc.,	:	No. 00-249
Pursuant to Section 252 (e) (5) of the	:	
Communications Act for Preemption	:	
of the Jurisdiction of the Virginia	:	
State Corporation Commission Regarding	:	
Interconnection Disputes with Verizon	:	
Virginia, Inc., and for Arbitration	:	
	:	
In the Mater of:	:	CC Docket
Petition of AT&T Communications of	:	No. 00-251
Virginia, Inc., Pursuant to Section	:	
252 (e) (5) of the Communications Act	:	
for Preemption of the Jurisdiction	:	
of the Virginia Corporation	:	
Commission Regarding Interconnection	:	
Disputes with Verizon Virginia, Inc.	:	
	:	
----- x	:	Volume 7

MILLER REPORTING COMPANY, INC.

Pages 1938 thru 2160

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Washington, D.C. 20003
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Washington, D.C.
October 12, 2001

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of the Virginia Corporation Commission :
Regarding Interconnection Disputes with :
Verizon Virginia, Inc. :
:
- - - - - x Volume 7

Friday, October 12, 2001
Washington, D.C.

The hearing in the above-entitled matter
came on, pursuant to Notice, at 9:45 a.m.

BEFORE:

DOROTHY ATTWOOD, Arbitrator

KATHERINE FARROBA, Staff

JEFFREY DYGERT, Staff

JOHN STANLEY, Staff

FCC Staff Members:

HENRY THAGGART

CATHY CARPINO

WILLIAM KEHOE

PRAVEEN GOYAL

TAMARA PREISS

ALEXIS JOHNS

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E X H I B I T S

NUMBER	MARKED	ADMITTED
WorldCom No. 50	1947	1948
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Verizon No. 57	1956	
AT&T No. 37		1969
WorldCom Nos. 22-24		2114

1945

RECORD REQUESTS

NUMBER

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1 .

2003

1 P R O C E E D I N G S

2 MR. DYGERT: Good morning, ladies. If I
3 could have you introduce yourselves for the record,
4 and then we will have you sworn in.

5 MS. SCHNEIDER: Kay Schneider for Verizon.

6 MS. TRIANO: Mariann Triano.

7 MS. LICHTENBERG: Sherry Lichtenberg,
8 WorldCom.

9 Whereupon,

10 SHERRY LICHTENBERG

11 MARIANN TRIANO

12 KAY SCHNEIDER

13 were called for examination by the Commission and,
14 after having been duly sworn by the notary public,
15 were examined and testified as follows:

16 MR. DYGERT: Okay. I heard WorldCom is
17 beginning cross.

18 CROSS-EXAMINATION

19 MS. MERIWEATHER: Robin Meriweather,
20 representing WorldCom. We just have a few
21 questions this morning.

22 We will be passing around what will be

1 marked as WorldCom Exhibit 50. My passing-around
2 person is not sitting here right now.

3 (WorldCom Exhibit No. 50 was
4 marked for identification.)

5 MS. MERIWEATHER: Thank you. This is a
6 Verizon Virginia response to WorldCom's second set
7 of data requests, response to question number 11.
8 My understanding is that Verizon is willing to
9 stipulate to the admission of this exhibit, so I
10 will just move for its admission.

11 MS. TRIANO: I would like to add something
12 also. We would also like to include the fact that
13 this is not--normally, when customers get a second
14 line, they will have it billed along with their
15 main line, so we just wanted to include that also
16 in this statement.

17 MR. OATES: We have no objection to the
18 admission of the exhibit as stated, Ms. Triano's
19 statements are just a further explanation of the
20 process.

21 MS. MERIWEATHER: That's fine.

22 MR. DYGERT: All right. WorldCom

1 Exhibit 50 will be admitted.

2 (WorldCom Exhibit No. 50 was
3 admitted into evidence.)

4 MS. MERIWEATHER: Okay. These questions
5 are directed to either Ms. Schneider or Triano.

6 Is it correct that Verizon Long Distance
7 has joined NCTDE?

8 MS. SCHNEIDER: Verizon Long Distance is a
9 member of NCTDE in some states. They are not in
10 the State of Virginia.

11 MR. KEHOE: Would you talk a little
12 louder.

13 MS. SCHNEIDER: Verizon Virginia is a
14 member of NCTDE in some states, but not in the
15 State of Virginia.

16 MS. MERIWEATHER: And because Verizon Long
17 Distance is a member of NCTDE in those states, is
18 it also correct that Verizon Virginia--sorry, let
19 me start again.

20 Because Verizon Long Distance is already a
21 member of NCTDE in those states, is it correct that
22 Verizon Virginia would not have to pay a membership

1 fee to provide information to NCTDE regarding
2 Virginia?

3 MS. SCHNEIDER: That is correct. They
4 would not have to provide a membership fee. There
5 is--it's a blanket for all affiliates of the
6 company. However, there are a lot of additional
7 charges that would incur.

8 MS. MERIWEATHER: And just one more
9 question.

10 So, if Verizon were to begin providing
11 information to NCTDE in Virginia, there would be no
12 membership fee, and there might be a database
13 loading charge or some other setup charge connected
14 with submitting that information for Virginia?

15 MS. SCHNEIDER: Yes. There are--per
16 transaction there are fees to submit both final
17 accounts and new connects, which are required by
18 the NCTDE bylaws. And there also would be incurred
19 to Verizon significant system modifications we
20 would have to do to provide those records in the
21 NCTDE-required format.

22 MS. MERIWEATHER: I have no further

1 questions.

2 CROSS-EXAMINATION

3 MR. OATES: This is Michael Oates on
4 behalf of Verizon.

5 Ms. Lichtenberg, good morning.

6 I had just a couple of questions. Is it
7 correct that the information that a member of NCDTE
8 can get from the NCTDE database is delinquent
9 payment information?

10 MS. LICHTENBERG: The member--the
11 information contained in the NCTDE database is on
12 canceled accounts that were closed, and the payment
13 status as of the time they were closed.

14 MR. OATES: Do you know when WorldCom
15 signs up a new long-distance customer, is there a
16 credit check done of some sort?

17 MS. LICHTENBERG: I can't answer that
18 question. I'm on the local side of the house.

19 MR. OATES: Okay. And are you familiar
20 with whether or not credit histories are generally
21 available to businesses through third parties?

22 MS. LICHTENBERG: I am not a credit person

1 in terms of business. I deal with the local side
2 of MCI WorldCom's residential local product
3 offering. So, I can't answer that without a lot
4 more specificity.

5 MR. OATES: Well, are you generally aware
6 that a business can seek credit histories from
7 credit reporting agencies, equi-fax, that sort of
8 thing?

9 MS. LICHTENBERG: While I understand that
10 if you're applying for a mortgage or something,
11 that a credit history is pulled. I'm not aware
12 that that includes any credit history of telephone
13 service or telephone service that was canceled for
14 nonpayment.

15 But as I said, I'm not an expert on other
16 types of credit reporting.

17 MR. OATES: I have no more questions.

18 QUESTIONS FROM STAFF

19 MR. KEHOE: I have a very few questions, I
20 think, namely for the WorldCom witness.

21 Is any of the information you seek here
22 needed to actually provision the service for your

1 new customer?

2 MS. LICHTENBERG: If the question is
3 physical provisioning--that is, is this information
4 necessary to do--to have Verizon provide the
5 translations in the switch and to accept our order,
6 no, it is not. It is for WorldCom to determine
7 whether the customer should be providing some sort
8 of a credit worthiness or deposit information to
9 us. It is the same type of information that
10 Verizon would collect--would get from their new
11 customer.

12 MR. KEHOE: Does WorldCom propose to get
13 the new subscriber's permission for you to get this
14 information from Verizon?

15 MS. LICHTENBERG: Absolutely. WorldCom
16 follows all of the requirements for requesting the
17 customer's permission to see their data and for
18 requesting permission to perform any type of tracks
19 that we need to, to determine their worthiness for
20 credit.

21 MR. KEHOE: Would the permission be an
22 affirmative written approval?

1 MS. LICHTENBERG: We use third-party
2 verification for migration. And in terms of asking
3 for permission to see the customer's service
4 record, we use--we use the FCC-designated language,
5 and our account representatives must affirmatively
6 note it via a computerized transaction in our
7 ordering, so that we would have that information
8 available for later audit.

9 MR. KEHOE: But there is no written
10 approval that the customer has signed; is that
11 correct?

12 MS. LICHTENBERG: There is a verbal
13 approval based on the rules that the FCC has put in
14 place for the customer proprietary information.

15 MR. KEHOE: And just one more question.
16 Assuming that the FCC were to rule that you were to
17 get the information that you requested, does it
18 matter whether you get it directly from Verizon as
19 opposed to getting it through the NCTDE?

20 MS. LICHTENBERG: We need the information,
21 as I said, to determine the customer's credit
22 worthiness. We would prefer to get it through the

1 NCTDE because that is becoming a national
2 repository for such data, and as competition we
3 hope builds, it makes it simpler for everyone. I
4 think that's probably the reason that Verizon Long
5 Distance joined.

6 We need this information. If it cannot be
7 provided through the NCTDE, then we would accept
8 the ability to see the payment history section of
9 the customer service record.

10 MR. KEHOE: Thank you very much. I have
11 no more questions.

12 MS. MERIWEATHER: I have no redirect
13 questions.

14 MR. OATES: Nor does Verizon.

15 MR. DYGERT: Okay. Thanks very much. I
16 think we now move to the two miscellaneous issues,
17 VI-1(Y) and VI-1-(AA).

18 (Pause.)

19 MR. DYGERT: If we could get you all to
20 identify yourselves for the record, and we will
21 swear in Ms. Finnegan.

22 MS. RICHARDSON: Pam Richardson for

1 Verizon.

2 MS. FINNEGAN: Donna Finnegan for Verizon.

3 MR. ANTONIOU: Chris Antoniou for Verizon.

4 MR. ARGENBRIGHT: Mark Argenbright for

5 WorldCom.

6 Whereupon,

7 DONNA FINNEGAN

8 was called for examination by the Commission and,
9 after having been duly sworn by the notary public,
10 was examined and testified as follows:

11 MR. DYGERT: We note for the record that
12 Mr. Argenbright, Mr. Antoniou, and Ms. Richardson
13 are still under oath from the prior proceeding.

14 MS. FAGLIONI: We waived cross-examination
15 on this. I have a question for Mr. Argenbright.

16 CROSS-EXAMINATION

17 MS. FAGLIONI: I'm going to hand you what
18 was Exhibit 57. I should back up and pick up 56.

19 Could I go ahead and just indicate that I
20 will distribute what I marked Verizon Exhibit 56,
21 which is an errata to the miscellaneous testimony
22 to put in the signature pages for Donna Finnegan

1 and Pamela Richardson, who are already witnesses in
2 the proceeding, and having them adopt miscellaneous
3 testimony as I believe Verizon had indicated in
4 correspondence to the FCC prior to the start of the
5 hearings that we would be doing these.

6 And I would like to move for the admission
7 of Exhibit 56, which is the errata.

8 MR. DYGERT: Any objection from WorldCom?

9 MR. MONROE: No objection.

10 MR. DYGERT: 56 is admitted.

11 (Verizon Exhibit No. 56 was
12 admitted into evidence.)

13 (Verizon Exhibit No. 57 was
14 marked for identification.)

15 MR. MONROE: I believe this is new
16 language proposed by Verizon. We certainly don't
17 object to Verizon copying the staff on proposals
18 that it makes to WorldCom. This is not the
19 language that was proposed before the hearing or
20 that either party filed testimony on. Certainly
21 not the language that Mr. Argenbright filed
22 testimony on. And he's not a negotiator, is not

1 prepared to discuss new proposals.

2 And I would also object to this being
3 admitted into evidence because this is not the
4 language that is my understanding is being
5 litigated.

6 MS. FAGLIONI: I don't think I moved it
7 for admission yet. And my questions to
8 Mr. Argenbright would have been addressing what you
9 raised in your objection, which is I understand
10 this is language that Verizon has recently proposed
11 to WorldCom. So, my questions would only be to
12 sort of figure out where we were with what is the
13 disputed language.

14 So, if I may pursue that, he could answer
15 as he answers, and then we could go from there.

16 MR. MONROE: I don't object to
17 Mr. Argenbright answering questions about his
18 testimony and the language that is being litigated.
19 I do object to questions being put to him to newly
20 proposed language that he has not even reviewed and
21 that no testimony has been filed on.

22 MS. FAGLIONI: Let me ask my question, and

1 then let's go from there, how about that?

2 MR. MONROE: Fine.

3 MS. FAGLIONI: Mr. Argenbright, let's just
4 focus for a minute on what your understanding is on
5 the dispute with respect to the information
6 services traffic, and my first question is: Is it
7 your understanding that originally Verizon proposed
8 language to address information services traffic,
9 even though information services traffic is not
10 permitted or is not recognized traffic in Virginia?
11 Is that correct?

12 MR. ARGENBRIGHT: I don't think the
13 recognition of the traffic--the availability of 976
14 traffic in Virginia or the prohibition of that is
15 something we raised. We had our two general
16 concerns with the proposed language or the terms of
17 collection of the revenue associated with that, the
18 burden that was being--that the language put on
19 WorldCom in that position as well as the
20 classification of that traffic as between toll and
21 local.

22 MS. FAGLIONI: Is it your understanding